

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: WORLD TRADE CENTER
DISASTER SITE LITIGATION,

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THOMAS MAGEE,

Plaintiff,

- against -

THE PORT AUTHORITY OF NEW YORK
AND NEW JERSEY, SILVERSTEIN
PROPERTIES and THE CITY OF NEW YORK,

Defendants.

21 MC 100 (AKH)

Civil Action No. 05 Civ. 07210 (AKH)

DECLARATION OF NOAH H. KUSHLEFSKY

1. I am an attorney licensed to practice law in the courts of the State of New York and represent Thomas Magee in the above captioned-action. On June 15, 2011 I was substituted as attorney of record for plaintiff, in place of his prior counsel. After substituting as Mr. Magee's counsel, his former attorneys provided me with all of their files and records regarding Mr. Magee's action in this Court and his prior proceedings before the Victim Compensation Fund ("VCF"). On the basis of my review of those records, discussions with prior counsel, Mr. Magee and opposing counsel, as well as review of the docket in this case, I am fully familiar with the facts and proceedings in this action. I file this declaration in support of plaintiff's Motion to Strike Defenses and Remand. The facts below and in the Memorandum of Law filed in support of this motion are either from my personal knowledge or, where indicated, taken from the attached exhibits.

2. Attached hereto as Exhibit 1 is a true and accurate copy of the claim that Mr. Magee submitted to the VCF along with all of the supporting documents filed in relation to that claim. Within Exhibit 1, the VCF Application is marked as Exhibit 1A and the VCF Supporting

Documents are marked as Exhibit 2A. Mr. Magee's claim to the VCF was only for his respiratory injuries.

3. Attached hereto as Exhibit 2 is a true and accurate copy of the VCF Award Letter.

4. Attached hereto as Exhibit 3 is a true and accurate copy of the Notice of Removal filed by defendant The Port Authority of New York and New Jersey.

Dated: New York, New York
November 16, 2011

/s/
Noah H. Kushlefsky, Esq.